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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,127	09/10/2003	MICHAEL LUBELL	P03-237-LUB	2126

27107 7590 01/18/2007
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EXAMINER

RANGREJ, SHEETAL

ART UNIT	PAPER NUMBER
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3626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication:

Office Action Summary

Application No.

10/605,127

Applicant(s)

LUBELL ET AL.

Examiner

Sheetal R. Rangrej

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- ☐ Notice of Informal Patent Application
- ☐ Other: ____

Prosecution History Summary

- Claims 1-7 are pending.

Drawings

1. The drawings are objected to because they do not correspond to the specification. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiao et al. (U.S. Publication 2004/0010656) in view of Morris (U.S. Publication 2004/0078227).

4. As per claim 1, Chiao teaches a portable memory device, comprising:

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- a. A small case having the memory device positioned therein and having a removable cap at one end of the case having a USB port located at said end covered by the cap (Chiao: paragraph 0021, lines 2-5).
- b. Means connecting the USB port on the memory device to a USB port on the computer (Chiao: paragraph 0021, lines 7-11).
- c. Means for securing and limiting access to the information on the memory device (Chiao: paragraph 0022-0024).

Chiao does not teach a CD-ROM coupled to the computer and having software to provide instructions thereto access data stored on the memory device.

Morris teaches a CD-ROM coupled to the computer and having software to provide instructions thereto access data stored on the memory device (Morris: paragraph 0066).

Therefore it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine Chiao and Morris's teachings. One of ordinary skill would have been motivated to combine these teachings because Chiao teaches that CD-ROMs have "high capacity and low cost" (Chiao: paragraph 0004, lines 2-4).

5. As per claim 2, the device of claim 1 is as described above. Chiao further teaches a password means to provide access to the information on the memory device (Chiao: paragraph 0028).

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6. As per claim 5, the device of claim 1 is as described above. Chiao further teaches a portable memory device limited by the size of the USB drive thereof (Chiao: paragraph 0021, lines 2-5; paragraph 0022, lines 5-6).

7. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiao et al. (U.S. Publication 2004/0010656) in view of Morris (U.S. Publication 2004/0078227) as applied to claims above, and further in view of Bellinger et al. (U.S. Patent 5,895,455).

8. As per claim 3, the device of claim 1 is as described above. Chiao further teaches means for inputting data to the software (Chiao: paragraph 0032).

Chiao and Morris do not teach ID/pass code to operate a computer accessing medical records from memory device.

Bellinger teaches ID/pass code to operate a computer accessing medical records from memory device (Bellinger: column 27, lines 32-36).

Therefore it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine Chiao in view of Morris with Bellinger's teachings. One of ordinary skill would have been motivated to combine these teachings because Bellinger discloses that "because some of the data made available to the workstation maybe sensitive in nature, it is important to be able to restrict access" (Bellinger: column 27, lines 54-55).

9. As per claim 4, the device of claim 3 is as discussed above.

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Chiao and Morris do not teach a means coupled to the computer to print medical records.

Bellinger teaches a means coupled to the computer to print medical records (Bellinger: column 15, lines 17-22). In light of the specification, the examiner interprets "the selected images" to be the same as medical records.

Therefore it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine Chiao in view of Morris with Bellinger's teachings. One of ordinary skill would have been motivated to combine these teachings because Bellinger discloses that people have an inability to read details on photographic images (Bellinger: column 4, lines 24-29).

10. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiao et al. (U.S. Publication 2004/0010656) in view of Morris (U.S. Publication 2004/0078227) as applied to claims above, and further in view of Eberhardt (U.S. Patent 5,832,488).

11. As per claim 6, the device of claim 1 is as described above.

Chiao and Morris do not teach the case is approximately 3 inches long by 1/2 inches thick.

Eberhardt teaches the case is approximately 3 inches long by 1/2 inches thick (column 3, lines 16-20).

Therefore it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to combine Chiao in view of Morris with

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Eberhardt's teachings. One of ordinary skill would have been motivated to combine these teachings because Chiao teaches that it is "for applications requiring storage in the range of 8 MB to 512 MB" (Chiao: paragraph 0005, lines 3-5).

12. As per claim 7, the device of claim 6 is as described above.

Chiao does not expressly disclose a cap that is approximately 3/4 inches long. However, the examiner notes, merely limiting the size requirement of the cap to approximately 3/4 inches long does not patentable distinguish the claimed invention from the prior art and would have been an obvious matter of design choice (In re Kuhle, 526 F.2d 553, 188 USPQ7 (CCPA 1975)). At the time of the invention it would have been obvious to have modified the device to have included a wide array of cap sizes because the applicant has not persuasively demonstrated the criticality of providing a cap size of approximately 3/4 inches long versus the cap size taught in the prior art.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheetal R. Rangrej whose telephone number is 571-270-1368. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRR


PATRICK J. NOLAN, PH.D.
SUPERVISORY PATENT EXAMINER
1/8/07